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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

SUMMARY RECORD OF THE 660th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 29 September 2000, at 3 p.m.

Chairperson: Ms. OUEDRAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the Marshall Islands (continued)

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GE.00-44726 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Marshall Islands (CRC/C/28/Add.12) (HRI/CORE/1/Add.95; CRC/C/Q/MAR/1 (list of issues); written replies of the Government of the Marshall Islands (document without a symbol distributed in the meeting room in English only)) (continued)

1. At the invitation of the Chairperson, the members of the delegation of the Marshall Islands resumed their places at the Committee table.

2. Mr. RIKLON (Marshall Islands) explained that it was for each island's local authorities to enforce national criminal law. It was they who submitted to the Office of the Attorney-General cases within its remit. Only minor offences and violations of local ordinances fell within the jurisdiction of the local authorities. The functions and duties of the Attorney-General were clearly defined in the Constitution, which provided inter alia that the incumbent must act with complete independence and take no orders from the Government or any other authority.

3. The delegation was convinced of the importance of the Hague Convention on the Civil Aspects of International Child Abduction and would apprise its Government of the Committee's remarks on the need to ratify that instrument so as to be in a position to cooperate with other countries in that field.

4. Domestic violence was a delicate topic. When a case was reported, the police were often reluctant to intervene unless the complaint had been filed by the victim, in which event a criminal procedure was automatically instituted. Action in that area was all the more difficult since the Constitution prohibited individuals from testifying against members of their own family.

5. Ms. LANGIDRIK (Marshall Islands) acknowledged that infant malnutrition rates were particularly high throughout the country. In the wake of the 1991 survey on nutrition, the Government had established a system whereby cases of undernourished children were reported to the competent social services or the local parish so that their families could receive assistance. In 1996, the Government had adopted a nutrition, food and agriculture policy based on the Plan of Action prepared by the National Nutrition and Children's Council (NNCC). Numerous local awareness and popularization campaigns had been carried out to inform families and encourage them to approach the competent bodies.

6. In the Marshall Islands, alcoholism was more rife among young people than drug abuse. A special alcohol and drug abuse prevention team had recently been formed and was already extremely active in communities and schools. The law prohibited the sale of tobacco to minors.

7. The high number of young suicides posed another serious problem. Sensitization campaigns and seminars had been organized on the subject. In addition, the Government had put a system in place to support and counsel victims' families and young people who had attempted suicide.

8. The CHAIRPERSON inquired whether any study had been conducted into the reasons that impelled young people to commit suicide. She would also like to know whether prevention measures had been taken in respect of nutrition, especially to encourage parents to adopt better child nutrition practices. Observing that men and women often needed to be consulted separately if they were to speak openly, she asked whether the problem also arose among the younger generations.

9. Ms. KARP asked whether there were plans to create a body responsible for inter-ministerial coordination. Noting that complaints were dealt with by the Attorney-General's Office, whether they were made by children or adults, she stressed the need for children's complaints to be lodged with a separate office. She also wondered whether the police officers to whom complaints were made had been specially trained to provide assistance to abused children.

10. It was disturbing that under the provisions of the Constitution relating to protection of privacy, a person could not testify against a family member. How could children's rights be effectively protected if they were not encouraged to testify, and how could domestic violence be repressed if society insisted on regarding it as a private matter? Hence, a study should be made of domestic violence, especially incest, and the Government should use its findings to decide how the victims could be helped. One of the first steps that should be taken was to adapt the rules of evidence in order to expedite the judicial procedure.

11. The provisions of the Criminal Code relating to protection from commercial sexual exploitation appeared to be directed at girls. How were boys protected? Why had the Marshall Islands not been represented at the regional conference organized on that topic in Fiji? What results had the study of the situation yielded, especially in the light of the Declaration and Agenda for Action of the Stockholm World Congress against Commercial Sexual Exploitation of Children?

12. She understood that it was magistrates who decided when offenders aged 16-18 could be treated as adults, on the basis of their physical and mental maturity. That was an arbitrary practice that could be highly discriminatory, for there was no specific indicator of maturity, and magistrates did not necessarily possess special knowledge in that field. Once there was a special institution for young offenders, all minors should be dealt with in the same way. It also appeared that minors could be categorized as delinquent when their behaviour was unacceptable (indiscipline at home, truancy, drunkenness, etc.), even if they did not break the law. How was it that such behaviour was deemed delinquent when it came from a child but not from an adult? Such young people, themselves frequently victims of abuse, should receive special education and care instead of ostracism. The fact that they were detained until such time as a decision about them was taken also violated the most fundamental of principles. Expressing regret at the lack of statistics on the juvenile justice system, especially the offences committed and the sentences

imposed, she sought more detailed information on the way in which young offenders were treated once they had entered the system. She also inquired whether there was a mechanism whereby young people could denounce the behaviour of their supervisors or the conditions in which they were detained.

13. How was it that the number of early pregnancies continued to increase despite awareness campaigns on reproductive health? Did a system for evaluating ongoing programmes exist?

14. Ms. EL GUINDI stressed that domestic violence should never be kept entirely private, and asked whether the State party intended to implement a plan of action to change male attitudes to women and children. She also inquired whether there were plans to adopt measures to ensure that rural inhabitants enjoyed access to drinking water and hygiene.

15. Ms. RILANTONO wondered why a high proportion of children suffered from protein and vitamin A deficiency in the Marshall Islands, rich in fisheries and agriculture and counted among the poor countries. The situation could be ameliorated through health education.

16. She wished to know whether a programme was envisaged in favour of children, based on the national plan launched in 1996 to make women aware of their rights, especially when faced with domestic violence; such a programme would be extremely useful and could be included in the school curriculum.

17. Did the provisions of the Adults Film Act in force in the Marshall Islands suffice to prevent children from seeing certain films they could find disturbing? If not, would the State party consider establishing a censorship board?

18. Mr. DOEK requested details concerning the effective implementation of the provisions of the Child Abuse and Neglect Act in respect of training of persons required to report abuses and raise public awareness.

19. He would like to know the outcome of the Conference on Disability and the Law held in the State party in March 2000. In the field of education, what were the current primary and secondary school enrolment figures? And had measures been taken to improve them? Recent information on the level of primary-teacher training and further training might be useful.

20. Lastly, had the child prostitution bill yet been passed by Parliament? And did the Government plan to enforce additional measures?

21. Mr. RABAH asked about the number of young offenders and the types of offences and sentences. He also wished to know whether minors received legal assistance, whether children were separated from adults in detention centres, and whether alternative penalties existed, and what forms of rehabilitation were practised. Were seminars ever held to train judicial officials, the police and social workers in that area?

22. Ms. MOKHUANE asked whether the State party, lacking as it did the financial resources and skilled personnel to implement the Convention and given the fact that expatriate specialists were expensive, planned to train indigenous health specialists. She wished to know whether adolescents took part in the anti-malnutrition programme and how the problems of lack of access to hygiene were addressed.

The meeting was adjourned at 2.05 p.m. and resumed at 2.15 p.m.

23. Ms. HILL (Marshall Islands) explained that Parliament was late in issuing its decision on the adoption bill, which provided among other things for the creation of a body within the Ministry of External Affairs to be responsible for monitoring all adoptions in the country, as well as the rights of the child.

24. Ms. LANGIDRIK (Marshall Islands) stressed that many of the country's difficulties stemmed from its special culture, in which feelings were expressed with difficulty, if at all. Consequently, young people dared not discuss with their parents health matters such as contraception or prevention of sexually transmitted diseases. The organization "Youth to Youth in Health", run by young people trained in youth information, counselling and guidance, filled an important gap in that regard.

25. A special team responsible for the child abuse issue had been set up at the initiative of the NNCC. Police officers from the Public Security Department were now trained to deal with complaints, which they referred to the competent bodies or services. The main reason for the lack of statistics on incest was the victims' reluctance to discuss it. Some social workers, anxious to avoid creating problems by interfering in families, also showed inordinate respect for privacy. However, efforts were being made to break that taboo.

26. Suicide prevention seminars had taught the participants to detect symptoms of suicidal behaviour so that they could steer persons with such tendencies towards the competent services.

27. Contraceptives were available at 60 health centres, but since the Marshall Islands was a tiny country where everyone knew everyone else, young people dared not visit them lest their friends and relatives should learn about it and rumours about them should circulate. That partly explained the increase in teenage pregnancies.

28. A number of Pacific States and Territories organized every year in turn a conference attended by disability specialists, which issued recommendations on measures to be taken to improve the fate of the disabled, especially in the fields of education, health and access to shops and public buildings. The Marshall Islands had hosted the conference in March 2000.

29. The Government was doing its utmost to train more nurses, even sending young people to study abroad. Unfortunately, however, many of them remained abroad, attracted by the higher salaries. Only the country's three cities were provided with wastewater-drainage and drinking-water systems, hence the frequency of diarrhoeal diseases in the rest of the country. All the same, the Government was striving to ameliorate the situation by gradually increasing equipment.

30. The high malnutrition levels stemmed from a number of factors. Nature was less generous than in other Pacific islands, and town-dwellers, who had no vegetable gardens, were not always able to purchase imported food products. Nonetheless, children were always served first at table, and the NNCC had launched a vast information campaign to persuade women to breastfeed.

31. Mr. KABUA (Marshall Islands) said the Government was doing all in its power, with assistance from the United States under the Compact of Free Association signed by both countries, to equip with water tanks and reservoirs the rural areas that had no access to running water, so that they could cope with periods of drought. The Marshallese Development Bank had also reduced its rates so that the inhabitants could more easily borrow in order to purchase water tanks. In parallel, the health authorities were instructing the population in water purification techniques.

32. In accordance with the Committee's recommendations, the Government was attempting to strengthen the mechanisms for coordinating child rights promotion and protection activities.

33. Marshallese society was a balanced, matrilineal society, in which men nonetheless enjoyed a large measure of authority. Women were increasingly holding responsible positions, especially in the Government, the civil service, the judiciary and the social services. They also played an important role when there was inter-family conflict, by providing their good offices. Accordingly, there was a division of labour between men and women, but there was no real gender-based discrimination.

34. Mr. RIKLON (Marshall Islands) said that domestic violence was not always reported because, firstly, tradition dictated that such incidents should never be discussed outside the family and, secondly, under the Constitution no person could be forced, in a criminal matter, to testify against himself or herself, a spouse, parents, children or siblings. That provision was often invoked before the courts. The Government planned to amend it, but that would take time since any constitutional amendment was a protracted business.

35. An abused child could report the abuse to the police, who contacted the Attorney-General's Office, which, in turn, could refer the matter to the courts. Incest was prohibited by custom, without being explicitly prohibited by law. The Government would ensure that that lacuna was filled.

36. On the subject of juvenile justice, magistrates ruled on the basis of recommendations issued by the persons monitoring the juvenile, particularly probation officers and social workers. The law obliged prison authorities to separate detained children from adults but, unfortunately, that provision could not be enforced for lack of resources.

37. Under the Child Abuse and Neglect Act, persons caring for, educating or dealing with children were required to report all such matters that came to their notice. For the time being, no training programme had been implemented to help the relevant staff enforce that law.

38. A prostitution bill would shortly be submitted to Parliament, even though no case of child prostitution had ever been reported. It was true that the legislation on sexual exploitation mentioned only girls, but to make a reference to boys as well would pose no problem.

39. Ms. MOKHUANE, noting that Marshallese society was matrilineal and that fathers and the extended family played an important role in children's education, wondered whether that shared authority had negative repercussions on the situation of little girls and, if so, whether they were monitored. Also, were there plans to build sports facilities in Ebeye and Majuro, which were sorely lacking?

40. Ms. KARP stressed that in criminal matters the idea was not to force victims or family members to testify against their will, but to ensure that everyone was aware of the importance of testifying. To that end, awareness campaigns must be carried out in order to explain that it was in the child's best interest to submit cases of sexual abuse and physical or mental abuse against children to the courts. With that in view, it was essential to create a structure for receiving complaints from children.

41. Mr. RIKLON (Marshall Islands) acknowledged that in cases of sexual abuse, the provision whereby no person could be made to testify against family members in criminal matters did hamper prosecution.

42. Regarding the dearth of sports facilities in Majuro and Ebeye, it was difficult to build new ones, given the lack of space and the high population density.

43. Mr. KABUA (Marshall Islands) said that, according to the latest census, Ebeye atoll had over 12,000 inhabitants and that the Government, which had already initiated major works to solve the over-population problem, intended to pursue its land-use management activities, particularly by retrieving land currently used as landfills.

44. Ms. MOKHUANE, returning to the issue of children who were looked after by the extended family, said the situation could in fact be harmful to a child's development since in the Marshall Islands it was often the grandmother who took charge of children's education and merely passed on what she had learned as a girl, with no thought to the fact that society was something that evolved. The Marshall Islands had put pre-school programmes in place, but were there any early-learning programmes for children upstream to prepare them for the former?

45. As regards respect for privacy and confidentiality, were young Marshallese aware that health professionals were bound to professional secrecy? If health professionals, who were supposed to guide the younger generation, did not address the issue of sexual abuse, including incest, no dialogue could be initiated and those would remain taboo. It was therefore important to devise awareness-raising programmes that would portray the situation in other countries and societies, so that young Marshallese could realize that such abuse was something real that needed to be fought.

46. Ms. LANGIDRIK (Marshall Islands) explained that while grandmothers did play a role in their grandchildren's education, that did not mean they took all educational decisions. Parents were aware that they had a vital role to play to ensure their children's well-being. Conscious of

the need to instil in young people a new conception of the family, which took their needs and welfare into account without destroying the traditional family structure of the Marshall Islands, the Government had set up various health education and family health programmes.

47. Turning to confidentiality and respect for others' privacy, he said health professionals eagerly disseminated the information that sexual abuse victims could receive help from the health services. The point of information was to change mentalities and encourage the population to express their concerns.

48. Ms. KARP read out in English the Committee's draft concluding observations on the initial report of the Marshall Islands.

49. The CHAIRPERSON urged the Marshall Islands to conduct large-scale information and awareness campaigns to encourage a change in the society's mentality. She drew the country's attention to the amendment to article 43 (2) of the Convention, concerning the enlargement of the Committee, and trusted that the Marshallese Government would take the necessary measures to ratify it.

The meeting rose at 5.45 p.m.